

### **C. Remarks**

This Response is a submission under 37 C.F.R. § 1.114 for a Request for Continued Examination (RCE).

At the outset, Applicants and the undersigned wish to thank Examiner Davis for the courtesies extended during the telephonic interview conducted on May 5, 2004.

In the office action, claims 1, 3, 8, 9, 14, and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,505,046 to Baker; claims 2, 10, 11, 15, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker; claims 4, 5, 7, 16, and 17 stand rejected under § 103(a) as being unpatentable over Baker in view of U.S. Patent No. 6,546,257 to Stewart; claim 6 stands rejected under § 103(a) as being unpatentable over Baker and Stewart in view of U.S. Patent No. 5,560,461 to Fomukong et al; and claims 12, 13, and 21 stand rejected as being unpatentable over Baker and Fomukong. Applicants respectfully traverse the rejections as follows.

#### **§ 102(e) Rejections**

##### **Claims 1, 3 and 8-9**

Applicants have amended independent claim 1 to provide:

[a] method of providing a location-blocking service comprising:

obtaining identity information for a user operating a wireless communication device;

obtaining location information for the user; and

transferring the identity information for the user to a third party without disclosing the location information for the user

to the third party, wherein not disclosing the location information for the user to the third party is optionally selectable by the user.

Support for this amendment may be found throughout the specification as filed, such as, for example, at page 35, lines 27-30. Applicants note that although the above amendment slightly differs in form from the proposed amendment discussed during the telephonic interview, the substance and scope of the amendment have not changed.

Applicants respectfully submit that amended claim 1 is not anticipated by Baker because Baker fails to disclose each and every element this claim. See MPEP § 2131 (stating that a claim is anticipated only if each and every element as set forth in the claim is disclosed in a single prior art reference). More specifically, Applicants submit that Baker fails to disclose, among other things, a method of providing a location-blocking service “wherein not disclosing the location information for the user to the third party is optionally selectable by the user” as recited in amended claim 1.

Applicants respectfully submit that Baker discloses a wireless service node (WSN) for delivering messages to wireless subscribers based on their location. See, e.g., Figure 3 and column 5, line 60 through column 6, line 67. Applicants respectfully submit that Baker also discloses that message distribution to a particular subscriber is triggered when the subscriber visits a retail location and dials a pre-defined network telephone number. See, e.g., column 2, lines 19-27 and column 8, lines 11-13.

Applicants respectfully submit that Baker further discloses that a MSC/HLR component, in response to the dialed pre-defined network telephone number, sends an origination request to the WSN that includes the identity of the mobile device, the identification of the serving MSC or visitor location register, and as an optional parameter, the location

area identification. See, e.g., column 8, lines 13-21. The location area identification parameter includes the cell and cell sector identification from where the call is made. See, e.g., column 8, lines 22-23.

With respect to the location area identification parameter in particular, Baker states: “this is an optional parameter and may not be supported on all MSC/HLR components.” See, e.g., lines 23-25. Accordingly, Applicants respectfully submit that the location area identification parameter is optional **not by choice, but rather by necessity** because of the inability of certain MSC/HLR components to process location area information. Nowhere does Baker disclose that location area identification parameter is excluded from the origination request if an MSC/HLR component is otherwise capable of processing such information. In other words, Baker merely discloses that the optional nature of the location area identification parameter (i.e., whether or not the location area identification parameter is obtained and transferred to the WSN as a part of an origination request) arises solely from MSC/HLR component limitations, and not from selection by the mobile device user. Therefore, Applicants respectfully submit that Baker fails to disclose a method of providing a location-blocking service “wherein not disclosing the location information for the user to the third party is optionally selectable by the user” as recited in amended claim 1.

Accordingly, Applicants submit that amended claim 1 is not anticipated by Baker and therefore respectfully request that the §102(e) rejection associated with claim 1, as well as the §102(e) rejections associated with claims 3, and 8-9 depending therefrom, be withdrawn.

Claims 14 and 18

Applicants have amended independent claim 14 to provide:

[a] method to provide information about identity of a user operating a wireless communication device, comprising:

obtaining identity information for the user;

identifying the location of the user of the wireless communication device; and

transmitting the identity information for the user to a subscriber desirous of sending an advertisement to the wireless communication device, wherein the transmission of the identity information excludes disclosure of the location of the user such that the excluded disclosure of the location is optionally selectable by the user.

For reasons analogous to those set forth above with respect to amended claim 1,

Applicants respectfully submit that Baker fails to disclose a method to provide information about identity of a user operating a wireless communication device “wherein the transmission of the identity information excludes disclosure of the location of the user such that the excluded disclosure of the location is optionally selectable by the user” as recited in amended claim 14.

Accordingly, Applicants submit that claim 14 is not anticipated by Baker and therefore respectfully request that the §102(e) rejection associated with claim 14, as well as the §102(e) rejection associated with claim 18 depending therefrom, be withdrawn.

## § 103(a) Rejections

### Claims 2 and 10-11

Claims 2 and 10-11 depend from claim 1. Applicants submit that amended claim 1 is nonobvious over Baker because Baker fails to teach or suggest each and every element this claim. See MPEP § 2143 (stating that in order to establish a prima facie case of obviousness, all claim limitations must be taught or suggested by the prior art). More specifically, for the reasons discussed above in connection with the §102(e) rejection of claim 1, Applicants submit that Baker fails to teach or suggest, among other things, a method of providing a location-blocking service “wherein not disclosing the location information for the user to the third party is optionally selectable by the user” as recited in amended claim 1. Therefore, Applicants submit that claim 1 is nonobvious over Baker.

Applicants further submit that claims 2 and 10-11 are also nonobvious over Baker by virtue of their dependence from claim 1. See MPEP §2143.03 (stating that if an independent claim is nonobvious under §103(a), then any claim depending therefrom is nonobvious). Accordingly, Applicants respectfully request that the §103 (a) rejections associated with claims 2 and 10-11 be withdrawn.

### Claims 15 and 19-20

Claims 15 and 19-20 depend from claim 14. Applicants submit that amended claim 14 is nonobvious over Baker because Baker fails to teach or suggest each and every element of this claim. See MPEP § 2143 *id.* More specifically, for the reasons discussed above in connection with the §102(e) rejection of claim 14, Applicants submit that Baker fails to teach or suggest, among other things, a method to provide information

about identity of a user operating a wireless communication device “wherein the transmission of the identity information excludes disclosure of the location of the user such that the excluded disclosure of the location is optionally selectable by the user” as recited in amended claim 14. Therefore, Applicants submit that claim 14 is nonobvious over Baker.

Applicants further submit that claims 15 and 19-20 are also nonobvious over Baker by virtue of their dependence from claim 14. See MPEP §2143.03 *id.* Accordingly, Applicants respectfully request that the §103 (a) rejections associated with claims 15 and 19-20 be withdrawn.

#### Claims 4-5 and 7

Claims 4-5 and 7 depend from claim 1. Applicants submit that amended claim 1 is nonobvious over the combination of Baker and Stewart because the cited references, either alone or in combination, fail to teach or suggest each and every element of this claim. See MPEP § 2143 *id.* More specifically, Applicants submit that Baker and Stewart, either alone or in combination, fail to teach or suggest, among other things, a method of providing a location-blocking service “wherein not disclosing the location information for the user to the third party is optionally selectable by the user” as recited in amended claim 1.

As discussed above, Baker fails to teach or suggest this feature. Applicants also submit that Stewart fails to teach or suggest this feature. Indeed, the office action does not even rely on Stewart as teaching or suggesting this feature. Rather, the office action cites Stewart as teaching providing promotional material based on repeated

travel patterns and that obtaining the identity information for the user includes storing the information about the identity of the user. Even if taken as true, Applicants submit that Stewart fails to remedy the defects of Baker with respect to claim 1. Therefore, Applicants submit that claim 1 is nonobvious over the combination of Baker and Stewart. See MPEP § 2143 *id.*

Applicants further submit that claims 4-5 and 7, which depend from claim 1, are also nonobvious over the combination of Baker and Stewart. See MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejections associated with claims 4-5 and 7 be withdrawn.

#### Claims 16 and 17

Claims 16 and 17 depend from claim 14. Applicants submit that amended claim 14 is nonobvious over the combination of Baker and Stewart because the cited references, either alone or in combination, fail to teach or suggest each and every element this claim. See MPEP § 2143 *id.* More specifically, Applicants submit that Baker and Stewart, either alone or in combination, fail to teach or suggest, among other things, a method to provide information about identity of a user operating a wireless communication device “wherein the transmission of the identity information excludes disclosure of the location of the user such that the excluded disclosure of the location is optionally selectable by the user” as recited in amended claim 14.

As discussed above, Baker fails to teach or suggest this feature. Applicants also submit that Stewart fails to teach or suggest this feature. Indeed, the office action does not even rely on Stewart as teaching or suggesting this feature. Rather, the office

action cites Stewart as teaching providing promotional material based on repeated travel patterns and that obtaining the identity information for the user includes storing the information about the identity of the user. Even if taken as true, Applicants submit that Stewart fails to remedy the defects of Baker with respect to claim 14. Therefore, Applicants submit that claim 14 is nonobvious over the combination of Baker and Stewart. See MPEP § 2143 *id.*

Applicants further submit that claims 16 and 17, which depend from claim 14, are also nonobvious over the combination of Baker and Stewart. See MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejections associated with claims 16 and 17 be withdrawn.

#### Claim 6

Claim 6 depends from claim 1. Applicants submit that amended claim 1 is nonobvious over the combination of Baker, Stewart and Fomukong because the cited references, either alone or in combination, fail to teach or suggest each and every element of this claim. See MPEP § 2143 *id.* More specifically, Applicants submit that Baker, Stewart and Fomukong, either alone or in combination, fail to teach or suggest, among other things, a method of providing a location-blocking service “wherein not disclosing the location information for the user to the third party is optionally selectable by the user” as recited in amended claim 1.

As discussed above, Baker and Stewart fail to teach or suggest this feature. Applicants also submit that Fomukong fails to teach or suggest this feature. Indeed, the office action does not even rely on Fomukong as teaching or suggesting this feature.



Rather, the office action cites Fomukong as teaching authorized location reporting in a paging system and that requesting the user to provide information about the identity of the user is performed when the user signs up for the location-blocking service. Even if taken as true, Applicants submit that Fomukong fails to remedy the defects of Baker and Stewart with respect to claim 1. Therefore, Applicants submit that claim 1 is nonobvious over the combination of Baker, Stewart, and Fomukong. See MPEP § 2143 *id.*

Applicants further submit that claim 6, which depends from claim 1, is also nonobvious over the combination of Baker, Stewart, and Fomukong. See MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejection associated with claim 6 be withdrawn.

#### Claims 12 and 13

Claims 12 and 13 depend from claim 1. Applicants submit that amended claim 1 is nonobvious over the combination of Baker and Fomukong because the cited references, either alone or in combination, fail to teach or suggest each and every element of amended claim 1. See MPEP § 2143 *id.* More specifically, Applicants submit that Baker and Fomukong, either alone or in combination, fail to teach or suggest, among other things, a method of providing a location-blocking service “wherein not disclosing the location information for the user to the third party is optionally selectable by the user” as recited in amended claim 1.

As discussed above, Baker fails to teach or suggest this feature. Applicants also submit that Fomukong fails to teach or suggest this feature. Indeed, the office action

does not even rely on Fomukong as teaching or suggesting this feature. Rather, the office action cites Fomukong as teaching a system that allows a user to block or unblock disclosing location information to third parties. Even if taken as true, Applicants submit that Fomukong fails to remedy the defects of Baker with respect to claim 1. Therefore, Applicants submit that claim 1 is nonobvious over the combination of Baker and Fomukong. See MPEP § 2143 *id.*

Applicants further submit that claims 12 and 13, which depend from claim 1, are also nonobvious over the combination of Baker and Fomukong. See MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejections associated with claims 12 and 13 be withdrawn.

#### Claim 21

Claim 21 depends from claim 14. Applicants submit that amended claim 14 is nonobvious over the combination of Baker and Fomukong because the cited references, either alone or in combination, fail to teach or suggest each and every element of this claim. See MPEP § 2143 *id.* More specifically, Applicants submit that Baker and Fomukong, either alone or in combination, fail to teach or suggest, among other things, a method to provide information about identity of a user operating a wireless communication device “wherein the transmission of the identity information excludes disclosure of the location of the user such that the excluded disclosure of the location is optionally selectable by the user” as recited in amended claim 14.

As discussed above, Baker fails to teach or suggest this feature. Applicants also submit that Fomukong fails to teach or suggest this feature. Indeed, the office action

does not even rely on Fomukong as teaching or suggesting this feature. Rather, the office action cites Fomukong as teaching a system that allows a user to block or unblock disclosing location information to third parties. Even if taken as true, Applicants submit that Fomukong fails to remedy the defects of Baker with respect to claim 14. Therefore, Applicants submit that claim 14 is nonobvious over the combination of Baker and Fomukong. See MPEP § 2143 *id.*

Applicants further submit that claim 21 which depends from claim 14, is also nonobvious over the combination of Baker and Fomukong. See MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejections associated with claim 21 be withdrawn.

#### New Claims 22-42

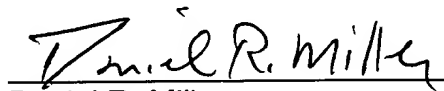
Applicants have added new independent claim 22, support for which may be found throughout the specification and claims as filed. Applicants submit that new claim 22, as well as new claims 23-34 depending therefrom, are not anticipated by Baker for at least the reasons discussed with the Examiner during the telephone conference of May 5, 2004.

Applicants have also added new independent claim 35, support for which may be found throughout the specification and claims as filed. Applicants further submit that new claim 35, as well as new claims 36-42 depending therefrom, are not anticipated by Baker for at least the reasons discussed with the Examiner during the telephone conference of May 5, 2004.

#### **D. Conclusion**

In view of the above, Applicants respectfully request withdrawal of the rejections and allowance of the claims. If the Examiner is of the opinion that the instant application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel R. Miller", written over a horizontal line.

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